

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

ALONZO D. JONES, SR.

Plaintiff

v.

COUNTY OF YORK, DISTRICT ATTORNEY:

DAVID SUNDAY, CHIEF MARK L.

BENTZEL, and OFFICER PATRICK

GARTRELL,

Joint and Severable Defendants

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: Docket No. 1:19-cv-00229-JEJ

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: Jury Trial Demanded

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TABLE OF CONTENTS OF DOCUMENTS IN SUPPORT OF
UNDISPUTED MATERIAL FACTS

Exhibit

Title of Document

Exhibit A

Affidavit of Defendant, District
Attorney David Sunday

Exhibit B

Deposition Transcript of Plaintiff,
Alonzo D. Jones, Sr., dated 7/29/19

Exhibit C

Deposition Transcript of Plaintiff,
Alonzo D. Jones, Sr., dated
8/14/19

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**DEFENDANTS, COUNTY OF YORK AND DAVID SUNDAY'S
STATEMENT OF UNDISPUTED FACTS**

AND NOW, this 1st day of November, 2019, come Defendants,

County of York and David Sunday, by and through their counsel,

Summers Nagy Law Offices and files their Statement of Undisputed Facts

as follows:

1. David Sunday ("Sunday") is the current elected District Attorney of York County, Pennsylvania. Sunday Aff. ¶ 1.
2. Sunday became the District Attorney on January 2, 2018. Sunday Aff. ¶ 2.
3. Sunday never met Mr. Alonzo Jones ("Jones"). Sunday Aff. ¶ 8.

4. Sunday reviewed the District Attorney's file related to Jones. Sunday Aff. ¶ 9.

5. The ADA assigned to Jones' criminal case was Duane Ramseur ("Ramseur"). Sunday Aff. ¶ 13.

6. Ramseur is an African-American male. Sunday Aff. ¶ 14.

7. Sunday learned that Ramseur had failed to bring numerous cases to trial in a timely manner, in violation of Rule 600. Sunday Aff. ¶ 17.

8. Jones' case was one of the cases that Ramseur failed to bring to trial in a timely manner. Sunday Aff. ¶ 18.

9. Several cases, including Jones' case, were dismissed. Sunday Aff. ¶ 19.

10. The District Attorney and ADAs do not investigate crimes, as described in Jones' Complaint. Sunday Aff. ¶ 23.

11. When the Office of the District Attorney receives charges against any criminal defendant, each ADA is required to confirm that there is a good faith basis to believe that there is probable cause to charge the defendant and that there is a good faith basis to convict the defendant beyond a reasonable doubt. Sunday Aff. ¶ 26.

12. There was probable cause to charge Jones and there was a good faith belief that Jones would have been convicted based upon the beyond a reasonable doubt standard. Sunday Aff. ¶ 28.

13. The decision to prosecute Jones had nothing whatsoever to do with his race. Sunday Aff. ¶ 29.

14. Jones only interaction with the Office of the District Attorney was in 2004 when he pled guilty to drug distribution charges and the charges described in his Complaint that allegedly happened in 2017. Jones 7/29/19, dep. pg. 34.

15. Jones does not know anyone that works at the Office of the District Attorney. Jones 7/29/19, dep. pgs. 34-35.

16. For Jones 2017 criminal charges, he engaged a public defender for his defense. Jones 7/29/19, dep. pg. 36.

17. When Jones interacted with the Office of the District Attorney, his public defender was present. Jones 7/29/19, dep. pg. 46.

18. Jones does not know Sunday at all. Jones 7/29/19, dep. pg. 46.

19. Jones does not know what race Sunday is. Jones 8/14/19, dep. pg. 9.

20. Jones does not know what, if anything, Sunday manages, directs, controls, creates, implements, supervises or trains. Jones 8/14/19, dep. pgs. 9-11.

21. Jones does not know of any role that Sunday played in the charges against him. Jones 8/14/19, dep. pg. 15.

22. Jones is not aware of anything that Sunday failed to investigate. Jones 8/14/19, dep. pg. 17.

23. Jones is not aware of Sunday approving anything. Jones 8/14/19, dep. pg. 15.

24. Jones is not aware of Sunday having any role in the search warrant process. Jones 8/14/19, dep. pg. 20.

25. Jones is not aware of Sunday having any role in allegedly falsifying an affidavit. Jones 8/14/19, dep. pgs. 21-23.

26. Jones is not aware of Sunday having any role in any search. Jones 8/14/19, dep. pgs. 29.

27. Jones does not believe that his race was the sole or substantial factor in the decision to suspect, investigate or charge him. Comp. ¶ 31; Jones 8/14/19, dep. pg. 29.

28. Jones is not aware of any facts leading him to conclude that Sunday racially profiled him. Jones 8/14/19, dep. pgs. 41, 46.

29. Jones believes that he was suspected, investigated and charged based upon a misunderstanding. Jones 8/14/19, dep. pgs. 30-32.

30. Jones does not know what, if anything, Sunday failed to train or supervise. Jones 8/14/19, dep. pgs. 39-40.

31. Jones only involvement with the police officers involved in this dispute was the day of his arrest. Jones 8/14/19, dep. pgs. 53-54.

32. Jones is not aware of anyone being racially profiled by the Office of the York County District Attorney. Jones 8/14/19, dep. pgs. 59-60.

33. Jones is not aware of any selective prosecutions from the Office of the York County District Attorney. Jones 8/14/19, dep. pgs. 60-61.

[Space Left Intentionally Blank]

34. Currently, Jones purchases his drugs in York in the street or some other location. Jones 7/29/19, dep. pgs. 63-64.

Respectfully submitted,

SUMMERS NAGY LAW OFFICES

/s/Sean E. Summers

By: _____

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and David Sunday*

Dated: November 1, 2019

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CERTIFICATE OF SERVICE

I, Sean E. Summers, Esquire, hereby certify that on this 1st day of November, 2019, a true and correct copy of the foregoing Answer to Plaintiff's Complaint with Affirmative Defenses was served upon the following parties via Case Management System/Electronic Filing System and First-Class mail, postage pre-paid at York, Pennsylvania.

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/s/Sean E. Summers

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and David Sunday*

Dated: November 1, 2019